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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,215	01/21/2004	Kia Silverbrook	WAL07US	1367

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AUSTRALIA

EXAMINER

HUFFMAN, JULIAN D

ART UNIT PAPER NUMBER

2853

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/760,215	Applicant(s) SILVERBROOK ET AL.	
	Examiner Julian D. Huffman	Art Unit 2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2006.
 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
 4a) Of the above claim(s) 2,3,6,7,10-13,15-20,32-36 and 46 is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1,4,5,8,9,14,21-31,37-45 and 47-49 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☒ The drawing(s) filed on 21 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/12/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 1617, 3843, 3834. Additionally, the claimed pilot guide should be labeled with a reference sign in the drawings. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 810, 1012, 1612, 1904, 3026a, 3096b, 3093c, 3110a, 3140, 3141, 3805, 3803, 3816, 3880, 3812, 3823, figs. 33c, 17b, 17c. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each

drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Election/Restrictions

3. Claims 2, 3, 6, 7, 10-13, 15-20, 32-36 and 46 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 26 May 2006 (since applicant did not point out any errors in the restriction requirement, the election is deemed to be made without traverse).

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 37-39, 41-43 and 49 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The statutory categories under 35 U.S.C. § 101 are expressed in the alternative, i.e., process, machine, manufacture or composition of matter. Thus, the appellants' claims which encompasses two statutory categories, i.e., apparatus and method, violate 35 U.S.C. § 101. See *Ex parte Lyell*, 17 USPQ2d 1548, 1551 (BPAI 1990).

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 37-39, 41-43 and 49 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims encompass two statutory categories of invention, accordingly, the claims are entirely unclear and cannot be examined.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1, 4, 14, 21-23, and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Martin (U.S. 20020171692 A1).

Martin discloses:

With regards to claim 1, a printer (fig. 2, element 18) for producing rolls of wallpaper (0009), comprising:

a cabinet in which is located a media path which extends from a media loading area to a winding area (fig. 2);

a printhead (20) located in the media path;

a processor (38) which accepts operator inputs from one or more input devices (36, 37) which are used to configure the printer for producing a particular roll; and the winding area adapted to removably retain a core and wind onto it, wallpaper produced by the printer wherein (fig. 2), the length and design of the roll are determined by the operator inputs (0010).

With regards to claim 4, a printer as claimed in claim 1, further comprising:
an input device (32) for capturing data relating to a print job (30);
the data being transmitted by the device to the processor (38);
the processor using the data to establish a configuration for the printer.

With regards to claim 14, a printer as claimed in claim 1, wherein:
the path comprises a generally straight path (fig. 2).

With regards to claims 21-23, the printing rate is given little weight and does not substantially further limit the structure of the device. Martin is capable of printing at the claimed rates.

With regards to claim 40, a printer as claimed in claim 1 further comprising:

a frame in which is located a media path which extends from a media loading area to a winding area (fig. 2);

a printhead (20) located across the media path;

one or more input devices for capturing operator instructions (36, 37);

a processor (38) which accepts operator inputs which are used to configure the printer for producing a particular roll; and

the winding area adapted to removably retain a core and wind onto it, wallpaper produced by the printer (fig. 2).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martin in view of Yamasaki (U.S. 20020070990 A1).

Martin discloses everything claimed with the exception of a bar code scanner.

Yamasaki discloses a bar code scanner in a printer (0171).

It would have been obvious to one having ordinary skill in the art at the time of the invention to provide the bar code scanner of Yamasaki in the invention of Martin for the purpose of freeing the user from having to select a print mode (0171).

12. Claims 8, 9, 24-31, 44, 45 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin in view of Silverbrook (U.S. 20020154189 A1).

Martin discloses everything claimed with the exception of a full width color printhead located on a rail along which it slides for service and removal with more than 250,000 nozzles which prints ink drops with a volume of less than 1.5 picoliters, the full width printhead being supplied with a number of different inks which are remote from

the printhead and which supply the printhead through tubes/disconnect coupling and an ink supply harness.

Silverbrook discloses a printhead with 552,960 nozzle arrangements (0090) that prints ink drops with a volume of 1 picolitre (0092). Further, the printhead is a full-width printhead which is supplied with a number of different inks which are remote from the printhead and which supply the printhead through tubes/disconnect coupling and an ink supply harness (0056). The printhead is located on a rail along which it slides for service and removal (0054).

It would have been obvious to one having ordinary skill in the art at the time of the invention to incorporate the printhead assembly of Silverbrook in the printer of Martin for the purpose of providing a high speed, high resolution printhead.

13. Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martin in view of Hashi et al. (JP 2003-165205A).

With regards to claim 48, Martin discloses a printer as claimed in claim 1 wherein the printer is a self threading printer for producing rolls of wallpaper, comprising:

a media loading area adapted to support a media cartridge (24) in a position so that a media supply slot (slot is provided in printer cabinet so media may enter cabinet) of the cartridge is closely adjacent to a pilot guide (rollers at the upstream side that guide the media to the printer);

a cabinet housing a media path which extends from the pilot guide to a printed media dispensing slot (fig. 2);

a printhead (20) located across the media path;

a processor (38) which accepts operator inputs which are used to configure the printer for producing a particular roll;

a motor within the cabinet for advancing a media web out of the media cartridge (28 is a drive roller, which is thus driven by a motor).

Martin does not expressly disclose the claimed one or more other motors adapted to urge the media along the path and out of the slot.

Hashi et al. discloses a first motor for advancing a media web out of a media cartridge (fig. 5, element 34) and a second motor for winding up the media (element 33).


It would have been obvious to one having ordinary skill in the art at the time of the invention to incorporate the motors of Hashi et al. into the invention of Martin for the purpose of enabling the media to be fed from the cartridge and wound up on the take-up reel.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julian D. Huffman whose telephone number is (571) 272-2147. The examiner can normally be reached on 10:00a.m.-6:30p.m. Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Julian D. Huffman
Art Unit 2853
31 July 2006